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### REMARKS

Applicant appreciates the thorough examination of the present application as evidenced by the Final Action, including the indication that dependent Claims 14, 15, 27, 28, 43, 46 and 51 contain allowable subject matter. Applicant submits that the present rejections should be withdrawn for at least the reasons discussed below. As the rejections substantially follow those of the previous Office Action, Applicant will only address points newly raised in the Final Action to expedite the Examiner's reconsideration of the rejections. However, Applicant's previous Amendment is incorporated herein by reference so that this response addresses each of the issues raised in the Final Action.

#### **The Prior Art Rejections:**

Claims 1-5, 23 and 25-53 are rejected under 35 U.S.C. § 102(e) over United States Patent Application Publication No. US2004/0049424 to Murray *et al.* ("Murray"). Claims 6-13, 16-22 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Murray in view of United States Patent No. 6,584,401 to Kirshenbaum *et al.* ("Kirshenbaum"). Applicant again submits that at least the highlighted portions of independent Claim 1 presented below are not disclosed or suggested by the cited references:

A method for matching a passenger with a driver for a trip to a destination, comprising:

**automatically identifying a candidate driver for the trip based on a current location for the candidate driver responsive to a request from the passenger;** and

providing the passenger an identification of the identified candidate driver.  
(Emphasis added.)

Independent Claims 34, 44 and 49 each include corresponding recitations related to identifying a candidate driver based on "a current location" of the candidate driver.

In the Response to Arguments section of the Final Action, the Examiner asserts that Paragraph 137 of Murray discloses, among other things, "the last known location of the selected drivers is based upon the entered information (including address of the driver entered at the service provider; note ¶ 0137)." Final Action, p. 2. While this comment is discussed with reference to Claim 5, the rejection of Claim 1 merely asserts that:

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Murray teaches matching a passenger with a driver for a trip to a destination comprising identifying a candidate driver for the trip based upon location of the driver responsive to a request from a passenger and providing the passenger an identification of the driver (0041, 0054-0056, and 0107).

Final Action, p. 3. As previously noted by Applicant, this rejection does not even assert that Murray teaches that a candidate driver be identified **based on a current location for the candidate driver** as is recited in Claim 1. This argument was not addressed in the Response to Arguments section related to Claim 1, although Paragraph 137 of Murray was noted in this section and the reference for Claim 5 to "last know location" appears to come closer to considering the recitation "current" than the rejection of Claim 1.

Based on these comments in the Final Action, Applicant assumes the rejection assumes that a "last known" location is considered a current location in the rejections. However, there is no support in Murray for the asserted disclosure of even a "last known location of the selected driver." Paragraph 137 of Murray reads as follows:

Before executing these functions, however, a rideshare participant preferably **provides profile information to the service provider**, which includes, for example, personal information (name, address, telephone number, email address, etc.), typical commute information, driver information, and travel preferences. FIG. 10 illustrates an exemplary **user interface 1000 through which a rideshare participant enters commute information** such as origination, destination, departure time, return time, commuting days, riding/driving preference, scope of invitations to rideshare, and any special notes.

Murray, Paragraph 137 (emphasis added). A user interface is further discussed in Paragraph 89:

To schedule trips, a rideshare participant 450 enters a trip request into the user interface of service provide 102, as represented by step 400 in FIG. 4. The user interface could be, for example, an Interactive Voice Response Unit (IVRU), a web site or other interface accessible via the Internet, or an application that users install on either their computers or wireless Internet access devices.

Murray, Paragraph 89. Thus, the rideshare participant may enter the address information from any remote location, which need not be the same location as the entered address.

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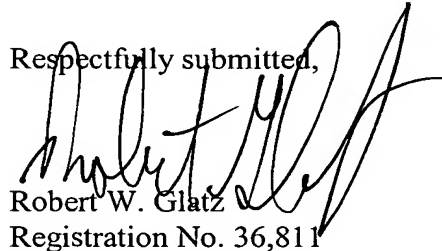
Accordingly, Murray, at most, may consider an "expected" location of a participant. This is not a current location and there is no indication in Murray that current location is considered in ride scheduling, merely in certain supplemental services that may be provided to a participant during an actual ride. See, Murray, Paragraph 111-112.

Applicant respectfully requests that the Examiner reconsider the present rejections in light of the comments above and the arguments in Applicant's previous Amendment.

**Conclusion**

Applicant respectfully submits that, for the reasons discussed above, the references cited in the present rejections do not disclose or suggest the present invention as claimed. Accordingly, Applicant respectfully requests allowance of all the pending claims and passing this application to issue.

Respectfully submitted,

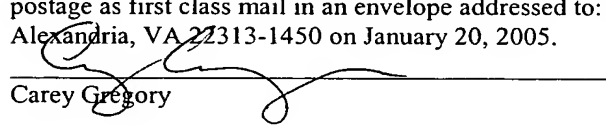


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